

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

MUHAMMED ZBEIDA TILLISY,)
)
Petitioner,)
v.) No. 2:10-cv-150-WTL-DML
)
WARDEN H. J. MARBERRY,)
)
Respondent.)

Entry Discussing Petition for Writ of Habeas Corpus

“Federal courts are authorized to dismiss summarily any habeas petition that appears legally insufficient on its face.” *McFarland v. Scott*, 512 U.S. 849, 856 (1994). This is an appropriate case for such a disposition. This conclusion is based on the following facts and circumstances:

1. Federal habeas corpus review is available only “where the deprivation of rights is such that it necessarily impacts the fact or length of detention.” *Leamer v. Fauver*, 288 F.3d 532, 540 (3d Cir. 2002).

2. Petitioner Tillisy is confined at a federal prison within this District and seeks habeas corpus relief not challenging either the fact or duration of his confinement, but the medical care he is receiving. That issue, although of substantial importance, does not render his custody unlawful, and this is shown from the face of his petition, which must now be dismissed. *Graham v. Broglin*, 922 F.2d 379, 381 (7th Cir. 1991); *Falcon v. U.S. Bureau of Prisons*, 52 F.3d 137, 138-39 (7th Cir. 1995). This disposition does not, of course, prevent Tillisy from presenting any challenge to the conditions of his confinement or his treatment in any available and appropriate administrative or judicial forum.

3. The petitioner’s request to proceed *in forma pauperis* (dkt 1) is **granted**.
4. The petitioner’s motion to appoint counsel (dkt 2) is **denied as moot**.
5. Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 06/18/2010

William T. Lawrence

Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana